

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY D. MELBOURNE,

Defendant.

CR-08-150-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 19, 2019. (Doc. 44.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 19, 2019. (Doc. 41.) The United States accused Melbourne of violating his conditions of supervised release by consuming alcohol on four different occasions. (Doc. 38.)

Melbourne admitted to all of the allegations at the revocation hearing. (Doc. 41.) Judge Johnston found that Melbourne's violations warrant revocation, and recommended that Melbourne be incarcerated for 1 month, with 59 months of supervised release to follow with the first 60 days of supervised release spent at Connections Corrections in Warm Springs, Montana. (Doc. 44 at 4.) Melbourne waived his appeal rights and his right to allocute before the undersigned (Doc. 41.)

The violations prove serious and warrant revocation of Melbourne's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 44) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Anthony D. Melbourne be incarcerated for a term of 1 month, with 59 months of supervised release to follow with the first 60 days of supervised release spent at Connections Corrections in Warm Springs, Montana.

DATED this 21st day of November, 2019.



Brian Morris
United States District Court Judge